

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

In re:)
)
MCCLUNG, GARY NED) Case #: 09-45612-ABF-7
MCCLUNG, LEONA BELLE)
)
Debtors.)

TRUSTEE'S APPLICATION FOR AUTHORITY TO EMPLOY COUNSEL

COMES NOW the Trustee of the above-captioned bankruptcy estate, Janice E. Stanton, and makes application to this Court to enter its Order authorizing her to employ the firm of Stanton & Redlingshafer, L.L.C. to act as attorneys for the Trustee in this bankruptcy estate. In support of this Application, the Trustee states as follows:

1. Debtors filed for relief under Chapter 7 of the United States Bankruptcy Code, Title 11, U.S.C., on November 13, 2009, and Janice E. Stanton was appointed as the Chapter 7 Trustee of this bankruptcy estate.
2. The Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§157 and 1334, and venue in this Court is proper under 28 U.S.C. §§1408 and 1409(a). Further, this matter is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(A).
3. The Trustee was appointed by the United States Trustee to serve as interim trustee in this case pursuant to 11 U.S.C. §701(a)(1), and serves as trustee pursuant to 11 U.S.C. §701(c).
4. The Trustee requires the assistance of attorneys to render services, in this bankruptcy estate, to possibly include:
 - a. the filing of Motions and other actions to collect debts;
 - b. the preparation of records and reports as required by the Bankruptcy Rules and the local bankruptcy rules;

- c. the preparation of applications and proposed Orders to be submitted to the Court;
- d. the identification and prosecution of claims and causes of actions assertable by the Trustee on behalf of the bankruptcy estate herein;
- e. the examination of proofs of claim filed and to be filed herein and the possible prosecution of objections to certain claims;
- f. advising the Trustee and preparing documents in connection with the liquidation of any assets of the bankruptcy estate; and
- g. assisting and advising the Trustee in performing her other official functions as set forth in §704 of the Bankruptcy Code.

5. The Trustee desires to employ the law firm of Stanton & Redlingshafer, L.L.C. to perform duties necessary and desirable in the administration and liquidation of this bankruptcy estate.

6. The Trustee and the members of Stanton & Redlingshafer, L.L.C. have been duly admitted to practice in the State of Missouri before this Court.

7. It is necessary and essential that the Trustee employ attorneys based on time and standard billing practices, due to the extensive legal services required by this estate.

8. To the best of the Trustee's knowledge, the members of the firm of Stanton & Redlingshafer, L.L.C. do not have any connection with the Debtors, their creditors, any other party in interest, their respective attorney and accountant, the United States Trustee, or any person employed in the Office of the United States Trustee, and represent no interest adverse to the bankruptcy estate in any matter upon which it is to be retained.

9. To the best of the knowledge of the Trustee: (i) the attorneys of S&R are duly qualified to practice in and appear before the Court and have experience in bankruptcy matters and creditors' rights; (ii) the attorneys of S&R are well qualified to represent the Trustee in this case; and (iii) S&R does not have any relationship or connection with or represent the Debtors, their creditors, any known interested party, any attorneys or accountants for the aforesaid of whom the Trustee is aware, and the United States Trustee or any person employed in the office of the United States Trustee.

10. Subject to the approval of the Court, the Trustee seeks to employ S&R under a general retainer and requests that S&R be compensated for services rendered and reimbursed for expenses incurred on behalf of the Trustee in accordance with its standard billing practices and rates (or such other basis as the Court may approve consistent with 11 U.S.C. §§101 *et seq.*, and the Federal Rules of Bankruptcy Procedure) for such amounts as may be awarded by the Court pursuant to 11 U.S.C. §328, 330(a) and/or 331. The standard hourly rates of S&R to be charged in this case, as they may be adjusted from time-to-time, are the same as those generally charged by S&R for services rendered in other matters and are comparable to those charged by other law firms and bankruptcy counsel in the metropolitan Kansas City. Further, no retainer has been paid to or received by S&R with respect to this case.

11. The Normal and usual hourly rates for the services of S&R are as follows:

Janice Stanton	\$195.00	per hour
Rex Redlingshafer	\$195.00	per hour
Paralegal	\$85.00	per hour

WHEREFORE, the Trustee requests that this Court enter an Order authorizing the employment of the firm of Stanton & Redlingshafer, L.L.C. pursuant to and upon the terms and

conditions recited above, to represent the Trustee in the above-captioned Chapter 7 bankruptcy estate, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

JANICE E. STANTON, MO. BAR #34055
104 West 9th Street - Suite 303
Kansas City, Missouri 64105
Telephone: 816/421-7770
Facsimile: 816/421-7773
Chapter 7 Trustee

CERTIFICATE OF SERVICE

I, Janice E. Stanton, hereby certify that on this 6th day of January, 2010, the above and foregoing APPLICATION was filed electronically with the Clerk of the United States Bankruptcy Court for the Western District of Missouri and notice of this filing was served electronically by the Clerk of the Bankruptcy Court to parties of interest registered on the ECF system, and a duplicate copy was deposited in the United States mail, via first-class postage prepaid to the following:

Office of the United States Trustee
Charles Evans Whittaker
United States Courthouse
400 East 9th Street, Suite 3440
Kansas City, Missouri 64106

McClung, Gary Ned
McClung, Leona Belle
8345 NE 83rd Street, Apt. 1229
Kansas City, Missouri 64158
Debtors

/s./ Janice E. Stanton, trustee
Janice E. Stanton, MO #34055

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MCCLUNG, LEONA BELLE)
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Debtor(s))

AFFIDAVIT OF COUNSEL

STATE OF MISSOURI

COUNTY OF JACKSON, ss.

Janice E. Stanton, of lawful age and being duly sworn, deposes and states:

1. I am an attorney-at-law admitted to practice before this Court and a member of the law firm Stanton & Redlingshafer, L.L.C.
2. Neither I, my firm, nor any member or associate thereof, insofar as I have been able to ascertain, has any connection with the above-named Debtors, their creditors or any other party in interest, or their respective attorneys and accountants, except that I am the Chapter 7 Trustee appointed in this bankruptcy estate.
3. Neither I, my firm, nor any member thereof, insofar as I have been able to ascertain, represents any interest adverse to that of the Debtors, their creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee in the matters upon which said law firm is to be engaged.
4. Based upon the foregoing, I believe the firm of Stanton & Redlingshafer, L.L.C. is a “disinterested person” within the meaning of §101 and §327 of the Bankruptcy Code.

5. The law firm of Stanton & Redlingshafer, L.L.C. has advised the Trustee of its willingness to serve as Trustee's counsel under a general retainer based on time and standard billing practices.

AFFIANT FURTHER SAITH NOT.

/s/ Janice E. Stanton, trustee
Janice E. Stanton

SUBSCRIBED AND SWORN TO before me this 6th day of January, 2010.

/s/ Karen S. Shackelford
Notary Public

My Appointment Expires:

September 8, 2012

